

Why The Four Schools of Thought?

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This begs the question: if following one particular Mujtahid is indispensable, why the need to restrict Taqleed to only the four schools of thought? Several great Imams and Mujtahids have occupied the pages of Islamic scholastic history such personages as Sufyaan Thauri, Imam Awzaa'i, Abdullah ibn Mubarak, Ishaq ibn Rahwaih, Imam Bukhari, Ibn Abi Layla, Ibn Sibrimah, Hasan ibn Saleh and many others. Are all Mujtahids not equally qualified to be followed? Such a contention is valid in principle, but rather, it is not effectively possible. The schools of thought of the Mujtahids mentioned above are not systematically documented. Had their schools been formally codified and structured similar to the major four schools, then there would be no hindrance to following them. Unfortunately, their schools do not exist formally, nor have the original sources of the schools survived. To follow such schools would therefore prove difficult.

Shaykh Abdur Raouf Manawi, the famous scholar of Hadith, has quoted Hafiz Dhahabi: **"We should believe that the four Imams, the two Sufyaans [Thauri and Ibn 'Uyainah], Awzaa'i, Dawood Zahiri, Ishaq ibn Rahwaih and all other Imams were correct. The non-Mujtahid should follow one specific school. It is not permissible to follow the Companions, nor their followers - as stated by the Imam of the Two Holy Mosques - since their schools are not documented or organised. In court rulings and in giving Fatwas, it is not permissible to follow a non-documented or a non-organised school. Also, the following of the four schools has flourished and has been refined to the extent that absolute terms have become specific and their general words have become defined. This is unlike the other schools where their followers have disappeared. Imam Razi has quoted that it is the consensus of the scholars that a lay person cannot follow the Companions and their Companions."** [90]

This point has been discussed by Imam Nawawi in the following words: **"Although the knowledge and status of the Companions and their Companions is far superior than that of scholars who came after them, it is not permissible for any to follow their schools of thought. This is because they were not able to document their Fatwas nor arrange principles and details of their schools of thought. None of the Companions (or their followers) formed a structured school of law. This structuring was done by scholars who came after them who, being themselves ardent students of their predecessors, took on the task of formulating premises and rules of extrapolating and extracting laws before the incident occurred."**

Taqleed being restricted to these four schools of thought has been explained by several great scholars. At this point, however, I would like to draw attention to two scholars in particular. The first is Imam Ibn Taymiyah and the second is Shah Waliyyullah. Their opinions will be quoted since even those who do not agree with the concept of Taqleed hold them in great academic standing.

Ibn Taymiyah has written in his book of major Fatwas: **"There is no difference, as far as the Qur'an and Sunnah is concerned, in following one Mujtahid and not others. So Malik, Laith ibn Sa'd, Awzaa'i, Thauri were Imams of their times. Following any of them is permissible. No Muslim can**

say that it is permissible to follow one but not the other. However, if anyone has not allowed following any of these scholars in our times it is for one of the following two reasons. There remains no one who knows that particular Imam's school of thought. This would render that particular scholar [or his school of thought] dead. There is the famous difference of opinion regarding following a dead school [meaning a school of thought erased by time]. Following these Imams today is like following a dead person, which is not allowed. It would only be valid if knowledge of his school existed. The second reason would be to say that the consensus of scholars has determined that the opinions, which oppose those of these scholars, prevail today. If some scholar whose school is still alive today conforms with the opinion of those Imams whose schools do not exist today, then definitely, their opinions will be used as collaborating and secondary evidence." [91]

Shah Waliyyullah, has allocated a whole chapter to this discussion in his book: "**Iqdul Jeed**" and called it: "**The Chapter of Emphasising following one of these four schools of thought and denouncing the idea of forsaking them.**"

He started the chapter by saying: "**You should know that following these four schools has tremendous public advantages and benefits. Forsaking them is wrought with mischief and harms. We will explain this with many inferences....**" [92]

He then goes on to explain the many reasons which I will paraphrase in points instead of translating a very lengthy passage. It is incumbent to rely upon the early predecessors if one is to understand Islamic law. The only way for us to do this is either to determine that the statements of the predecessors have been transmitted to us via sound chain of narrators or to read their statements, which are documented in reliable books. It is necessary to establish that these statements have actually been trusted and used by other scholars. Finally, if their statements are open to several meanings, then the most preferred meaning be adopted. Occasionally the statement of a certain Mujtahid may appear to be general but in fact it may be quite specific, which would be recognised by the scholars who have studied his school of thought. Thus, it is necessary that the statements of this certain Mujtahid be documented, understood and explained such that the rationale is emphasised. If a certain Mujtahid has not had his statements codified then such a Madhab should not be relied upon. In our age, the four prominent schools of thought share this advantage whereas other schools do not. The Imamiyah and the Zaidiyah schools of thought also have this privilege. However, since their opinions are non-Sunni, it would not be permissible to utilize their statements.

The Prophet sallallahu alaihi wa sallam said: '**Follow the vast majority of the community.**' Since it is common knowledge that schools of thought besides these four have vanished, it would be going against the principle mentioned in the Hadith.

Finally, if giving a Fatwa based on any of the earlier scholars and their schools of thought were to be made permissible, then those corrupt scholars would take advantage of the Shari'ah and base their Fatwas on the statements of any of the predecessors. This would inevitably open the door to the abuse of their statements. Corrupt scholars would be asked to justify selfish desires by quoting pious predecessors. Relying upon following the vast majority of the community [93] would arrest the drift to chaos within the Shari'ah.

Notes:

90 Faidul Qadeer, the commentary of Jami Sagheer by Manawi: vol 1, page 210

91 The Major Fatwas of Ibn Taymiyyah: vol.2, page 446

92 Iqdul Jeed: page 31

93 Ibid